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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,543	11/26/2003	Toshitaka Hasegawa	1095.1291	5700

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EXAMINER	
ROBINSON, GRETA LEE	

ART UNIT	PAPER NUMBER
2169	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/721,543	HASEGAWA ET AL.	
	Examiner	Art Unit	
	Greta L. Robinson	2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 September 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-7,9-16 and 18-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-7, 9-16 and 18-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 2-7, 9-16 and 18-21 are pending in the present application.

2. Claims 2-7 and 9-16 have been amended; and new claims 18-21 have been added. Claims 1, 8 and 17 have status cancelled.

Claim Objections

3. Applicant is advised that should claim 15 be found allowable, claim 20 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2-7, and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kihl et al. US Patent 6,222,536 B1 in view of Kindo et al. US Patent 6,832,217 B1.

Regarding claim 18, **Kihl et al.** teaches a program product that helps service processors receive instructions from an operator, [note: relay server system for use in an on-line banking system col. 1 line 55 through col. 2 line 10] the program product causing a computer system to perform a process comprising the steps of:

upon issuance of an inquiry from a service process, storing the inquiry as a pending inquiry in an inquiry buffer [note: in the inquiry message generating process, the inquiry message generation block 41 initializes an inquiry buffer, e.g., the temporal storage block 43 col. 6 lines 35-52; Figure 4 (43) TEMPORAL STORAGE BLOCK (i.e. inquiry buffer)];

in response to a first delivery request from a first client to deliver an inquiry to the first client, retrieving the pending inquiry corresponding to the first delivery request from the inquiry buffer, and sending the retrieved pending inquiry to the first client over the network [note: abstract "request processing unit for analyzing input request message to

generate a corresponding handling process based on the analyzed request type"; REQUEST PROCESSING UNIT (22) Figure 2; also see col. 4 lines 28-33];

upon receipt of a reply to the pending inquiry from the first client, forwarding the reply received from the first client to the service process, and storing the received reply and corresponding pending inquiry as a log record in a log memory [note: col. 2 lines 36-43; col. 7 lines 4-18 response message analyzer 47 analyzes the response message name ... field data designated as save on the process control information is stored in temporal storage block 43, and then the extracted response data is relayed to the response format conversion block].

Although Kihl et al teaches the invention substantially as cited above they do not explicitly teach when a subject of the pending inquiry corresponding to the first delivery request is similar. Kindo et al. teaches an inquiry support apparatus that evaluates information content concerning, the system compares an inquired data with a stored history inquiry [note: abstract; column 3 lines 30-35 "comparing the inquired information with the stored history"; column 1 lines 1-17; and column 2 lines 46-52]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Kindo et al. with Kihl et al. because the comparison would provide a means of checking similar information to be transmitted to the end user in Kihl et al. Kihl teaches a system capable of handling multiple processes through prestored rules [see: col. 9 lines 4-28; col. 5 lines 11-26]; and the ability to store and transmit two types of data [see: column 4 line 55 through col. 5 line 3; col. 3 lines 55-60].

6. Regarding claim 19, in response to a second delivery request for the reply log record, said log record retrieving retrieves a log record and sends reply-related … [note: Kihl et al. column 8 lines 59-67 inquiry message generation process].

7. Regarding claim 3, wherein: the second delivery request contains search conditions for the log memory; and said log record retrieving step (d) retrieves log records that match with the search condition specified by the second client [note: Kihl et al. column 3 lines 48-54 teaches storing subscriber access history information and output screen information (i.e. search)].

8. Regarding claims 4, 5, 7, and 9-13:

(claims 4 and 5) "the second delivery request form the second client requests delivery of a message log record … reply log record" [note: Kihl et al. teaches a request processing unit 22 for handling process and session management 23 col. 4 line25 through col. 5 line 7].

(claim 7) wherein the inquiries sent at said inquiry sending step (b) include a list of possible answers [note: Kihl et al., Figure 4 (47) and (46); col. 7 lines 27-32].

(Claims 9-11) notifying the service process of cancellation [note: Kihl et al. *Session End Time* Figure 6 step 209 Terminate Process and 208 Initialize Timer; also note Lomet, Figure 8 step 142 Notice of Application Termination].

(Claims 12 and 13) further comprising the step of dispatching a command upon receipt of the reply to the pending inquiry [note: Kihl et al. Figure 7 step (311); col. 6 lines 5-16].

9. The limitations of claims 14-16 and 20 parallel program product claim 18; therefore they are rejected under the same rationale.

10. The limitations of claim 6 parallel claim 3; therefore it is rejected under the same rationale.

11. The limitations of claim 21 have been addressed above; therefore it is rejected under the same rationale.

12. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kihl et al. US Patent 6,222,536 B1 in view of Kindo et al. US Patent 6,832,217 B1 and Nakagawa et al. US Patent 5,835,911.

Although Kihl et al. and Lomet et al. teach the invention substantially as cited above, they do not explicitly disclose first and second clients are implemented on a single computer platform. However Nakagawa et al. teaches a network over which inquiries may be transmitted that may be configured or implemented various ways [see: Figure 5 step (S12); col. 23 lines 42-49; col. 25 lines 29-32 various settings can be easily and properly be defined for respective users; col. 58 lines 39-43 various ways of operation]. It

would have been obvious to one of ordinary skill at the time of the invention to have combined Nakagawa et al. with the cited references because Nakagawa et al. further shows how inquiry interaction within the network may be customized for certain users within the network.

Response to Arguments

13. Applicant's arguments with respect to claim 2-7 9-16 and 18-21 have been considered but are moot in view of the new ground(s) of rejection.

In the response Applicant argued the following:

Argument: Regarding the rejection cited under 35 US 103(a), Applicant argues the prior art does not teach the amended limitation when a subject of the pending inquiry corresponding to the first delivery request is similar to the subject of a past inquiry and transmission of inquires together as claimed.

Response: In the client-server system, Lomet a client sends a request to a server and the server returns a reply to the requesting client [col. 5 lines 1-6]. The client creates log records for each request and reply message that it exchanges with the server inquiry and returns a reply to the requesting process [see: col. 11 lines 55-67]. Lomet provides for variations in processes which provide for consulting the log records for past replies [see: col. 5 lines 18-54]. Also, Kihl teaches a protocol processing and history information in which input request messages are analyzed and corresponding handling process

may be defined based on input [see abstract]; therefore a specific protocol for how new messages are sent could be defined by the end-user.

Lomet does not teach that the log is *simply* used to capture client-side interactions; but rather that the log can be used to store operations as required by an imposed application. The log record is generated for each write operation on database objects and each reply message, see column 10 lines 35-50, column 11 lines 55-61, and Figure 4 log (96) inside memory (78). Lomet, teaches during request/reply interactions capturing or recording the information in a log buffer and committing the reply record to a stable log before the reply is sent back to the client; this provision implies consulting a log record note abstract; Figures 3-4 and 7. Newly cited reference Kindo et al. is combined with Lomet for teaching comparison of past (i.e. history) inquiry with a present inquiry; note Lomet provides for extracting data stored in multiple storage locations for distribution to the end user [col. 3 lines 55-60; col. 4 line 55 through col. 5 line 3; col. 5 lines 11-26; col. 9 lines 17-28].

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (571)272-4118. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tony Mahmoudi can be reached on (571)272-4078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Greta L. Robinson/
Primary Examiner, Art Unit 2169a
December 3, 2008